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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-273

12 **LINDA MARLENE ALTADONNA, aka**
13 **LINDA MARLENE CLOWERS**
904 West Morris Avenue
14 Modesto, California 95350

ACCUSATION

15 Registered Nurse License No. 491881

16 Respondent.

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1993, the Board issued Registered Nurse License
24 Number 491881 to Linda Marlene Altadonna, also known as Linda Marlene Clowers .
25 ("Respondent"). The registered nurse license will expire on June 30, 2009, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Code section 118, subdivision (b), provides, in pertinent part, that the
9 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
10 action during the period within which the license may be renewed, restored, reissued or
11 reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or licensed nurse
14 or deny an application for a certificate or license for any of the following:

15 (f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

17 7. Code section 2762 states, in pertinent part:

18 In addition to other acts constituting unprofessional conduct within the
19 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

20 (b) Use any controlled substance as defined in Division 10 (commencing
21 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
22 or in a manner dangerous or injurious to himself or herself, any other person, or
the public or to the extent that such use impairs his or her ability to conduct with
23 safety to the public the practice authorized by his or her license.

24 (c) Be convicted of a criminal offense involving the prescription,
consumption, or self-administration of any of the substances described in
25 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
26 which event the record of the conviction is conclusive evidence thereof.

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1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Convictions)**

8 9. Respondent is subject to discipline under Code sections 2761, subdivision
9 (f), in that Respondent has been convicted of the following crimes substantially related to the
10 qualifications, functions, and duties of a licensed registered nurse:

11 a. On October 13, 2006, in the Superior Court, County of Sonoma, in the
12 matter entitled *People vs. Linda Marlene Altadonna* (Sup. Ct., Cty of Stanislaus, 2006, Case
13 No. 1108632), Respondent was convicted, by the court, on her plea of nolo contendere of a
14 violation of Vehicle Code section 23152, subdivision (a) (driving while under the influence of
15 alcohol), a misdemeanor.

16 b. On August 14, 2004, in the Superior Court, County of Sonoma, in the
17 matter entitled *People vs. Linda Marlene Clowers, aka Linda Marlene Altadonna* (Sup. Ct., Cty
18 of Sonoma, 2004, Case No. TCR 447249), Respondent was convicted, by the court, on her plea
19 of no contest of a violation of Vehicle Code section 23152, subdivision (b) (willfully and
20 unlawfully drove a motor vehicle with a blood alcohol level of 0.08% or higher), a
21 misdemeanor.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Conviction of Crimes Involving Alcoholic Beverages)**

24 10. Respondent is subject to discipline under Code section 2762, subdivision
25 (c), on the grounds of unprofessional conduct, in that on or about August 14, 2004, and
26 October 13, 2006, Respondent was convicted of crimes involving alcoholic beverages, as more
27 particularly set forth in paragraph 9, subparagraphs a and b, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Used Alcoholic Beverages to an Extent or in a Manner Dangerous**
3 **or Injurious to Herself)**

4 11. Respondent is subject to discipline under Code section 2762, subdivision
5 (b), on the grounds of unprofessional conduct, in that on or about July 26, 2004, and March 14,
6 2006, Respondent consumed alcoholic beverages to an extent or in a manner dangerous or
7 injurious to herself, as more particularly set forth in paragraph 9, subparagraphs a and b, above.

8 **PRAYER**


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 491881, issued
12 to Linda Marlene Altadonna, also known as Linda Marlene Clowers;

13 2. Ordering Linda Marlene Altadonna, also known as Linda Marlene Clowers
14 to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement
15 of this case, pursuant to Code section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 4/1/08

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21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
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